

The response filed 1/23/08 proposes to amend claim 1 and to add claims 14-18. However, this proposed amendment is considered “non-responsive” to the Office action mailed 7/23/07. The restriction requirement (mailed 5/10/06) drew a distinction between (i) a method of inhibiting activity of a G1 cdk, and (ii) a method of determining the extent to which a compound can modulate binding between two physical entities. In the response (filed 3/3/06) to the restriction requirement, applicants elected claims drawn to a method of inhibiting activity of a G1 cdk. Applicants have received two Office actions on the merits, based on claims drawn to a method of inhibiting activity of a G1 cdk. Now, in the response filed 1/23/08, applicants are proposing to abandon their elected invention and switch to a diagnostic assay. However, switching from an elected invention to a non-elected invention, subsequent to the first Office action on the merits, cannot be done as a matter of right.

The examiner declines to permit applicants to switch from an elected invention to a non-elected invention. **Applicants are held to be non-responsive.**

What is required is submission of claims that are consistent with the elected invention that has been under examination up to this point (i.e., the invention as examined in the 11/24/06 and 7/23/07 Office actions).

In the event that applicants would like to have claims to a diagnostic assay examined, applicants may file a **divisional application**. (The filing of an RCE will not give applicants the right to switch to a non-elected invention).

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Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached at (571)272-0562. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

/David Lukton/

Primary Examiner, Art Unit 1654